

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * *

PHILLIP J. LYONS,
Plaintiff,

vs.

PATRICIA LEONHARDT, ET AL.,
Defendants.

3:05-CV-0400-JCM-VPC

MINUTES OF THE COURT

DATED: July 23, 2013

THE HONORABLE JAMES C. MAHAN UNITED STATES DISTRICT JUDGE

DEPUTY CLERK DAVID OAKES COURT REPORTER KATHERINE EISMANN

COUNSEL FOR PLAINTIFF: Travis Barrick

COUNSEL FOR DEFENDANTS: William Geddes, Assistant Attorney General

MINUTES OF PROCEEDINGS: Jury Trial Day Two

The Court convened at 9:10 a.m., in the presence of the jury. Parties stipulated to their presence.

DWIGHT NEVIN, is called to the stand, sworn and testified on direct examination by Mr. Barrick, *defendants' exhibits #545, #503, #506, #540, #541, #543, #546 are marked and admitted into evidence, plaintiffs' exhibits #3, #4 are marked and admitted into evidence.*

Court recessed at 10:40 a.m. Jury was admonished and excused.

Court reconvened at 10:55 a.m., in the presence. Parties stipulated to their presence.

DWIGHT NEVIN, having previously been sworn, resumed the stand and testified further on direct examination by Mr. Barrick.

MARCEL MCKNIGHT, appearing by video conference, is sworn and testified on direct examination by Mr. Barrick, cross examination by Mr. Geddes, re-direct examination by Mr. Barrick, then is excused.

DWIGHT NEVIN, having previously been sworn, resumed the stand and testified on cross examination by Mr. Geddes, re-direct examination by Mr. Barrick, re-cross examination by Mr. Geddes, then is excused.

Court recessed for lunch from 11:45 a.m., to 1:15 p.m. Jury was admonished and excused.

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Court reconvened at 1:20 p.m., outside the presence of the jury. Court addressed a situation with regards to the Marshals walking Mr. Lyons through the lobby outside the courtroom with shackles in front of some jurors due to the prisoner elevator not working. The court also addressed plaintiff's attempt to allow Cary Leavitt to testify. After argument of counsel the court denied Cary Leavitt to testify. Mr. Geddes moved the court for a directed verdict judgment as a matter of law. The court denied defendant's motion for a directed verdict. *(See transcript for details of arguments).*

Court reconvened at 1:30 p.m., in the presence of the jury. Parties stipulated to their presence.

PLAINTIFF REST:

BRIAN PEEPLES, is called to the stand, sworn and testified on direct examination, no cross examination, then is excused.

JENNIFER NASH, is called to the stand, sworn and testified on direct examination by Mr. Geddes, *defendants' exhibits #561, #511 are marked and admitted into evidence*, cross examination by Mr. Barrick, then is excused.

Court recessed at 2:35 p.m., to 2:45 p.m. Jury as admonished and excused.

Court reconvened at 2:50 p.m., in the presence of the jury. Parties stipulated to their presence.

OFFICER SANTERRAN WARD, having previously been sworn, resumed the stand, and testified on direct examination by Mr. Geddes, cross examination by Mr. Barrick, then is excused.

OFFICER JAY BARTH, having previously been sworn, resumed the stand, and testified on direct examination by Mr. Geddes, cross examination by Mr. Barrick, then is excused.

OFFICER PAUL LUNKWITZ, having previously been sworn, resumed the stand, and testified on direct examination by Mr. Geddes, no cross examination, then is excused.

DEFENDANTS REST:

NO REBUTTAL WITNESSES:

Court recessed at 3:00 p.m. Jury was admonished and excused.

Court reconvened at 3:05 p.m., outside the presence of the jury. The court discussed the upcoming jury instructions.

Court reconvened at 3:15 p.m., outside the presence of the jury for the purpose of settling jury instructions and providing copies of the jury instructions to counsel.

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Court recessed at 3:35 p.m.

Court reconvened at 3:50 p.m. Parties stipulated that the jury instructions have been settled in open court.

Court recessed for the evening at 4:00 p.m.

IT IS HEREBY ORDERED, the civil jury trial in this matter shall continue to
Wednesday, July 24, 2013 at 9:00 a.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /S/
David Oakes, Deputy Clerk